IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1094 OF 2004

IN

SUIT NO. 1216 OF 2001

Videocon Leasing and
Industrial Finance Ltd,. .. Plaintiff.

vs.

The Mahalaxmi Sugar
Mills Ltd., & Anr. .. Defendant.

And

Smt. Anjali P. Sawhney .. Applicant.

Mr. Sayeed i/by Ram & Co.
for plaintiff.
Mr. V.L. Desai for defendant no. 1 as
also Respondent no. 1.

CORAM : S.U.KAMDAR, J.
DATE : 13th April, 2005.

P.C.

1. The present chamber summons is taken out to bring the legal heirs of the deceased defendant no. 2 on record. According to the learned counsel for the defendant no. 1 and the respondent no. 1 there is a substantial delay as the plaintiff was informed

on 24.2.2002 that the defendant no. 2 has expired. The delay is condoned. The chamber summons is allowed. The legal heirs are to be brought on record in terms of the schedule annexed thereto. In view of paragraph 9 of the judgment of the Apex Court in the case of Mithailal Dalsangar Singh & Ors. vs. Annabai Devram Kini & Ors. reported in AIR 2003 SC 4244 I do not find any substance in the contention of the larned counsel for the plaintiff. The chamber summons is granted. The plaintiff to pay costs quantified at Rs. 1000/- to the respondent.